

Appl. No. : 10/667,580  
Filed : September 22, 2003

### REMARKS

By way of summary, Claim 2 was pending in this Application. Claims 1 and 3-12 are withdrawn. The Office Action, dated November 3, 2006, rejected Claim 2 as being obvious over U.S. Pat. No. 4,787,885 to Binder in view of U.S. Pat. No. 6,626,858 to Lynch et al. Claim 2 has been amended and new Claims 13 to 20 have been added. Applicants respectfully traverse this rejection as explained below.

#### Amended and New Claims

Claim 2 has been amended to further define the subject matter for which protection is sought and to expedite issuance of a patent. Claim 2 now recites, in part, an outflow portion shaped and sized to be “introduced into Schlemm’s canal of the eye” and an inflow portion configured to “be positioned within the anterior chamber so as” permit communication of fluid from the anterior chamber of the eye to the outflow portion. Support for the claim amendment may be found, for example, in Fig. 3. No new matter has been added.

New dependent Claims 13 to 21 have been added. Support for the new dependent claims may be found, *inter alia*, in the application as specified in the following table. No new matter has been added.

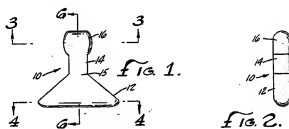
CLAIM	SUPPORT
13	Fig. 6
14	Fig. 6
15	Fig. 6
16	Fig. 6
17	Fig. 6
18	Fig. 6
19	¶ [0054]
20	Fig. 6

#### Rejection Under 35 U.S.C. § 103

According to the Examiner, Binder discloses a glaucoma implant having a shape that “allows it to be implanted within the eye regardless of rotational orientation (see FIG 1)” but that

Binder "fails to disclose that the implant is placed within Schlemm's Canal." (11/3/06 Office Action, pg. 3). While the Examiner correctly stated that Binder does not disclose an implant placed in Schlemm's canal, Applicants disagree with Examiner's assertion as to the shape of the Binder implant.

The Examiner relied upon Figure 1 of Binder to support the assertion that Binder discloses an implant that can be implanted regardless of rotation orientation. However, Figure 2 of Binder, which is a side view of the seton in Figure 1, confirms that the Binder has a planar configuration. (see Binder, Col. 3, lines 37-38). Figures 1 and 2 of Binder, and the detailed description of the drawings, are reproduced below:



*Figures 1 and 2 of U.S. 4,787,855 to Binder*

# **DETAILED DESCRIPTION OF THE DRAWINGS**

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**FIG. 1 is a front view of an embodiment of the seton;  
 FIG. 2 is a side view of an embodiment of the seton;**

*Col. 3, lines 37-38 of U.S. 4,787,855 to Binder*

Because the Binder seton depicted in Figures 1 and 2 has a planar configuration, Binder fails to disclose an implant that "allows it to be implanted within the eye regardless of rotational orientation" as stated by the Examiner. Similarly, Lynch also fails to disclose this limitation as well as other limitations required by Claim 2. Indeed, no combination of features from the Binder and Lynch references would result in a glaucoma implant having every recited feature of Claim 2. Therefore, the subject matter of the claim is not obvious in view of the cited references and withdrawal of the obviousness rejection is respectfully requested. Claims 13 to 20 are patentable for at least the same reason that Claim 2 is patentable, and are also patentable for the unique combination of subject matter that each claim recites.

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### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action have been addressed and that the application is in condition for allowance. Accordingly, Applicant requests the expeditious allowance of the pending claims.


The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Additionally, Applicants respectfully traverse each of the Examiner's rejections of the claims, the objection to the specification, and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 5/3/07

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